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09/730,190	12/05/2000	Kestutis Patiejunas	MS160309.1	7993

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2195

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/730,190

Applicant(s)

PATIEJUNAS, KESTUTIS

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-31, 33-42 and 44-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-31, 35-42 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 33, 34, 44 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 8-14, 20, 23-29, 35-40, and 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by KALER (U.S. Patent 7,051,330)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, KALER teaches a client-side HTTP stack software component embodied in a machine readable media and effectuated on a machine that processes requests, comprising: at least one completion port object (completion port); a thread pool comprising a plurality of threads that process differentiable tasks associated with at least one client side request (pool of threads to process the requests); and a client side

state machine selectively associated with the at least one request, the client side state machine selected based at least in part on each differentiable tasks (via each thread is a state machine, therefore assignment of the thread for handling the task request thereby assigns the state machine also) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 8, KALER teaches a machine effectuated software component included on machine readable media that implements a client side HTTP stack comprising: a thread pool (thread pools) comprising N threads that process M requests from a client application component, where N and M are integers greater than 1 and where M is greater than N (more work items than threads) (col. 12, lines 25-30); and a state machine associated with each of the M requests based at least one one or more tasks included as part of each of the M requests (via each thread is a state machine, therefore assignment of the thread for handling the task request thereby assigns the state machine also) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 23, refer to claim 8 for rejection.

As to claim 35, refer to claim 8 for rejection.

As to claim 46, refer to claim 8 for rejection.

As to claim 2, KALER teaches a scheduler thread that activates an object scheduled to begin sending requests at a specific time (via the scheduling function being performed by one or more separate threads) (col. 11, lines 29-41; col. 12, lines 34-67).

As to claims 9 and 10, KALER teaches at least one thread activation completion port that activates at least one thread based on an event (via receiving a task and scheduling its execution) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 11, KALER teaches at least one thread deactivates itself and returns to the thread pool when an operation being processed is pending such that other work items can be assigned to the thread for execution (via finishing its execution and there are no operations left to perform or the time period for the thread has ended) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 12, KALER teaches the event is the receipt of a completion packet by the thread activation component (via finishing its execution and there are no operations left to perform or the time period for the thread has ended) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 13, KALER teaches at least one thread activation completion port that activates at least one thread based on an event (via receiving a task and scheduling its execution) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 14, KALER teaches a scheduler thread that activates an object scheduled to begin sending requests at a specific time (via the scheduling function being performed by one or more separate threads) (col. 11, lines 29-41; col. 12, lines 34-67).

As to claim 20, KALER teaches a scheduler thread that activates an object scheduled to begin sending requests at a specific time (via the scheduling function

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being performed by one or more separate threads) (col. 11, lines 29-41; col. 12, lines 34-67).

As to claims 24 and 26, refer to claim 11 for rejection.

As to claim 25, refer to claim 13 for rejection.

As to claim 27, KALER teaches activating at least another of the N threads based on an event comprises: receiving a completion packet using the thread activation component; and activating one of the N threads upon receipt of the completion packet using the thread activation component (via receiving another task and assigning the task to another thread that is either available or has become available to the completion port) (see col. 6, lines 20-38; col. 10, lines 27-44; col. 10, line 65 – col. 11, line 41; col. 11, lines 59-65; col. 12, lines 25-53; col. 13, lines 52-57; col. 14, lines 33-53; col. 18, lines 11-40; col. 19, line 55 – col. 20, line 2; col. 22, lines 38-63).

As to claim 28, refer to claim 13 for rejection.

As to claim 29, refer to claim 14, for rejection.

As to claims 36 and 38, refer to claim 11 for rejection.

As to claim 37, refer to claim 13 for rejection.

As to claim 39, refer to claim 27 for rejection.

As to claim 40, refer to claim 14 for rejection.

As to claim 47, refer to claim 11 for rejection.

As to claim 48, refer to claim 14 for rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 15, 21, 30, 41 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over KALER in view of OKANO. (USPN 6,725,253) (hereinafter Okano).

As per claim 3, Okano teaches the invention as claimed, including the client side HTTP stack implementation of claim 1, further comprising a DNS thread that resolves domain names into IP addresses (col. 12 line 37 - col. 13 line 5). It would have been obvious to one of ordinary skill in the art to combine KALER and Okano since IP addresses are expressed in octets that make it difficult to remember domain names.



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Rather, easy to remember domain names are provided that are then translated into IP addresses easing the use of a networked system by a user (Okano, col. 2 lines 4-10).

As to claim 15, refer to claim 3 for rejection.

As to claim 21, refer to claim 3 for rejection.

As to claim 30, refer to claim 3 for rejection.

As to claim 41, refer to claim 3 for rejection.

As to claim 49, refer to claim 3 for rejection.

5. Claims 4, 5, 22 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over KALER in view of Paxhia et al. (USPN 6,493,749) (hereinafter Paxhia).

As per claim 4, Paxhia teaches the invention as claimed, including the client side HTTP stack implementation of claim 1, further comprising a timeout thread with a list of active sockets and timers associated with each socket, the timeout thread selectively times-out at least one socket according to at least one timer in the list (col. 41 lines 19-28). it would have been obvious to one of ordinary skill in the art to combine KALER and Paxhia since a thread that has been operating for an extended period of time

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without responding may be causing a starvation condition. The use of a timer to monitor a socket ensures that a thread does not stall while utilizing one of the system's sockets. The expiration of the timer thus alarms the system that the thread should be terminated, thereby protecting system resources and ensuring that other threads receive a fair share of the processor.

As to claim 5, KALER teaches a scheduler thread that activates an object scheduled to begin sending requests at a specific time (via the scheduling function being performed by one or more separate threads) (col. 11, lines 29-41; col. 12, lines 34-67).

As to claim 22, refer to claim 4 for rejection.

As to claim 50, refer to claim 4 for rejection.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KALER in view of Paxhia as applied to claims 4 and 5 above, and further in view of Okano (USPN 6,725,253) (hereinafter Okano).

As per claims 6 and 7, Okano teaches the invention as claimed, including the client side HTTP stack implementation of claim 5, further comprising a DNS thread that resolves domain names into IP addresses (col. 12 line 37 - col. 13 line 5). It would have been obvious to one of ordinary skill in the art to combine KALER, Paxhia, and OKANO

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since IP addresses are expressed in octets that make it difficult to remember domain names. Rather, easy to remember domain names are provided that are then translated into IP addresses easing the use of a networked system by a user (Okano, col. 2 lines 4-10).

7. Claims 16, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over KALER in view of OKONO as applied to claim 15 above, and further in view of PAXHIA (USPN 6,493,749) (hereinafter Paxhia).

As per claim 16, Paxhia teaches the invention as claimed, including the client side HTTP stack implementation of claim 1, further comprising a timeout thread with a list of active sockets and timers associated with each socket, the timeout thread selectively times-out at least one socket according to at least one timer in the list (col. 41 lines 19-28). it would have been obvious to one of ordinary skill in the art to combine KALER and , OKONO and Paxhia since a thread that has been operating for an extended period of time without responding may be causing a starvation condition. The use of a timer to monitor a socket ensures that a thread does not stall while utilizing one of the system's sockets. The expiration of the timer thus alarms the system that the thread should be terminated, thereby protecting system resources and ensuring that other threads receive a fair share of the processor.

As to claim 31, refer to claim 16 for rejection.

As to claim 42, refer to claim 16 for rejection.

***Pertinent Prior Art of Record***

U.S. Patent 6,976,095, herein Wolrich, is pertinent to the language of the claims. The cited prior art teaches a scheduler program thread that schedules segments of packets from a port to a program thread for execution wherein the program threads are a transmit state machine or a receive state machine to transmit the data/information over a bus. The cited patent could be used to reject the similar claims as outlined above.

***Allowable Subject Matter***

8. Claims 18, 19, 33, 34, 44 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The cited claims particular point out how the state machine is selected, e.g. via at least one key associated with a request wherein the activation component associates the context of the first one of the threads with at least one state machine using the at least one key, in order to active the first one of the threads. None of the cited prior art of record teach the using of this key in order to selectively associate a state machine with a task and thread.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 18, 2006

  
**LEWIS A. BULLOCK, JR.**  
**PRIMARY EXAMINER**